

April Crossland

V.

**Shire Pharmaceuticals,
LLC/Bio Life
Plasma Services, LP**

KOLKER & LABOVITZ
7700 BONHOMME AVENUE, STE. 350
CLAYTON, MISSOURI 63105
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Exhibit
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SCOTT L. KOLKER
LICENSED IN MISSOURI AND ILLINOIS

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LICENSED IN MISSOURI AND ILLINOIS

September 9, 2019

Ms. Donna Streit
ESIS AGL Claims
P.O. Box 5127
Scranton, PA 18505-0559

**Re: April Crossland v. Shire Pharmaceuticals, LLC/Bio Life
Plasma Services, LP
Your File No: 2D5225438238589**

Dear Ms. Streit:

As you know, April Crossland was at Bio Life Plasma Services in St. Peters, Missouri on December 22, 2018 to donate plasma. While on the premises, April took her three-year-old daughter into the bathroom and proceeded into the toilet stall. As April closed the door to the toilet stall, the door completely disengaged from the hinges striking April Crossland. I am enclosing several photographs confirming that the door disengaged from the hinges for your review. (Exhibit 1). Clearly this is a case of 100% liability on the part of Bio Life Plasma Services and Shire Pharmaceuticals for failing to properly maintain the bathroom door stall.

Immediately after the door struck April, April reported the incident to the receptionist who contacted the nurse at the facility, Diane, who provided April with an icepack after April complained of pain in her neck, back and right shoulder. In the week following the incident, April took over the counter pain medication and applied heat and ice to the affected area but, unfortunately, her problems failed to improve. As a result, she presented to Fast Track Urgent Care on December 26, 2018. Upon presenting to Fast Track Urgent Care, April advised the doctor that a bathroom door fell on her back the previous Saturday when she was at Bio Life Plasma Services striking her back and right shoulder. April advised the doctor that she has been taking over the counter pain medication which had not provided her with any relief. X-rays were taken of April's right shoulder, the results of which fortunately failed to reveal any fractures. Following a physical examination which revealed spasms in April's back, she was given a prescription for pain medication and muscle relaxers and her arm was placed in a shoulder immobilizer. April was advised that if her pain did not improve, an MRI of her right shoulder should be considered. Thereafter, April presented to the emergency room at DePaul Hospital on December 30, 2018. At that time, April advised that she was in a bathroom stall approximately two weeks prior when the door fell on top of her. April complained of

pain in her right shoulder and advised that the muscle relaxers provided by Urgent Care failed to provide her with any relief. Physical examination performed by emergency room personnel revealed tenderness in the neck when turning her head to the left. Based upon April's complaints and the findings of the physical examination, it was recommended that April undergo a CT scan of her cervical spine and right upper extremity. The following day on December 31, 2018, April presented to the emergency room at Christian Hospital Northwest with increased right shoulder pain. Once again, April advised emergency room personnel that a bathroom door fell on her while at the Plasma Center nine days prior. April advised emergency room personnel that she was seen through Urgent Care on December 26, 2018 at which time she was prescribed pain medication and muscle relaxers. April advised emergency room personnel that the medication provided through Urgent Care failed to provide her with any relief. Physical examination performed by emergency room personnel revealed tenderness to palpation in the right posterior shoulder and right trapezius area. Pain was also noted with abduction of the right shoulder as well as with extension of the right shoulder. Following a physical examination, x-rays were taken of the right shoulder, the results of which failed to reveal any fractures or dislocations. Thereafter, April was released from the emergency room and advised to seek follow-up treatment if her problems persisted. Despite taking the pain medication and muscle relaxers, April continued to have problems with her right shoulder and, as a result, she presented to Dr. Mark Belew on January 14, 2019. At that time, April advised Dr. Belew that a door fell off of its hinges striking her in the neck and shoulder. April advised Dr. Belew that the problems with her left shoulder and neck had subsided, but she continued to have persistent pain in her right shoulder with difficulty raising her arm overhead or laying on the affected side. It is significant to note that April denied any prior issues with the right shoulder prior the accident. Following a physical examination performed by Dr. Belew, Dr. Belew expressed his opinion that April likely had a tear of the right rotator cuff and, as a result, it was recommended that she undergo an MRI of the right shoulder. The MRI of the right shoulder was performed through Christian Hospital Northeast on January 21, 2019. The results of the MRI revealed a complete tear of the right rotator cuff. Following the MRI, April returned to Dr. Belew's office on January 31, 2019. At that time, Dr. Belew's reading of the MRI was that of a partial thickness tear of the right rotator cuff. Based upon the finding of the MRI, Dr. Belew recommended and performed a cortisone injection into April's right shoulder and recommended that April undergo physical therapy. The physical therapy recommended by Dr. Belew was performed through Christian Hospital Rehabilitation Services from February 7, 2019 through April 3, 2019. I have enclosed copies of the above referenced medical records for your review. (Exhibit 2).

As a result of her course of treatment, April Crossland has incurred medical expenses as follows: Fast Track Medical, urgent care - \$331.00; DePaul Hospital, emergency room treatment - \$991.80; SE Emergency Physicians Memphis, emergency room physician charges - \$1,134.00; Christian Hospital, emergency room treatment, physical therapy and MRI - \$7,437.70; Dr. Mark Belew, office visit - \$529.00; and Walgreens, prescriptions - bill unavailable. Copies of these bills are enclosed for your reference. (Exhibit 3).

While the physical therapy was successful in improving the severity of April's pain in her right shoulder, she continues to experience ongoing problems with her right shoulder due to the torn rotator cuff. April was advised by Dr. Belew that if the physical therapy did not sufficiently improve her symptoms, the only option available would be surgery. Unfortunately, April cannot afford to have surgery at this time due to her financial situation as well as the fact that she would be unable to care for her child after surgery due to her inability to use her right arm for an extended period of time following surgery. However, April intends to undergo surgery on her right shoulder as soon as she is able to afford the surgery from a financial standpoint and her child has reached a point where her child is more self-sufficient.

Based upon the clear liability, the medical specials, the need for future surgery and the cost associated with future surgery, at this time, I would be willing to recommend a settlement to April Crossland in the amount of \$100,000.00.

Once you have had the opportunity to review the enclosed material, please contact me to discuss possible resou8tion of this claim.

Thank you for your attention to this matter.

Very truly yours,



Scott L. Kolker

SLK/klp
Enclosures